

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Roy Den Hollander,

Plaintiff,

Docket No. 1:16-cv-9800 (VSB) (ECF)

-against-

Katherine M. Bolger, and
Matthew L. Schafer,

Defendants.
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**Affirmation of Roy Den Hollander in opposition to defendants' motions to strike or dismiss
under Fed. R. Civ. P. 12(f) and 12(b)(6)**

ROY DEN HOLLANDER, an attorney duly admitted to practice law in the courts of the State of New York and the U.S. District Court for the Southern District of New York, affirms the following under penalties of perjury:

1. I am the plaintiff in this action and am representing myself.
2. I am fully familiar with the facts and circumstances of this action.
3. This affirmation and the accompanying memorandum of law and exhibits are being submitted (1) in opposition to defendants' motion to strike the Second Amended Complaint ("SAC") under Fed. R. Civ. P. 12(f), (2) in opposition to defendants' motion to dismiss the SAC under Fed. R. Civ. P. 12(b)(6), (3) to request awarding plaintiff costs and attorney's fees (including those available pursuant to 17 U.S.C. § 505), (4) to request awarding plaintiff statutory damages for copyright infringement under 17 U.S.C. § 504(c)(1) & (2), and (5) for granting such other and further relief as this Court deems just and proper.
4. Annexed hereto as Exhibit "A" is a true-and-accurate copy of the "Bolger cache" that

she filed in *Hollander v. Shepherd, et al.*, 152656/2014 (N.Y. Sup. Ct.) as an exhibit to her “Affirmation Supporting Second Motion to Dismiss” at ¶ 17 citing to Ex. 16, Dkts. 45 and 46.

5. Annexed hereto as Exhibit “B” is a true-and-accurate copy of Defense Attorney Joseph L. Francoeur’s False or Misleading Allegations as compiled by me.

6. Annexed hereto as Exhibit “C” is a true-and-accurate copy of the third affidavit of Plaintiff’s computer consultant dated July 26, 2018.

7. Annexed hereto as Exhibit “D” is a true-and-accurate copy of the results of my searches of 24 web archiving data bases, other than the Internet Archive’s Wayback Machine, for <http://www.mensrightslaw.net> and <http://www.mensrightslaw.net/main/index.html>.

8. Annexed hereto as Exhibit “E” is a true-and-accurate copy of plaintiff’s affirmation as required by the Court at the February 16, 2018, hearing concerning the website MensRightsLaw.net and its host.

9. Annexed hereto as Exhibit “F” is a true-and-accurate copy of the results of my August 13, 2018, search of the Internet Archive’s Wayback Machine for <http://www.mensrightslaw.net>.

10. Annexed hereto as Exhibit “G” is a true-and-accurate copy of the results of my August 13, 2018, search of the Internet Archive’s Wayback Machine for <http://www.mensrightslaw.net/main/index.html>.

11. Annexed hereto as Exhibit “H” is a true-and-accurate copy of the first affidavit of plaintiff’s computer consultant, dated February 22, 2018.

12. Annexed hereto as Exhibit “I” is a true-and-accurate copy of the second affidavit of plaintiff’s computer consultant, dated March 23, 2018.

13. Annexed hereto as Exhibit “J” is a true-and-accurate copy of the affidavit of plaintiff’s paralegal concerning the registered-copyrighted work “roydenhollander.com.”

14. Annexed hereto as Exhibit “K” is a true-and-accurate copy of Joseph Francoeur’s threatening letter sent to plaintiff on May 9, 2017.

WHEREFORE, for the reasons set forth in plaintiff’s accompanying memorandum of law and exhibits, plaintiff respectfully requests that this Court issue an Order: (1) denying defendants’ motion to strike the SAC or portions thereof under to Fed. R. Civ. P. 12(f), (2) denying defendants’ motion to dismiss the SAC under Fed. R. Civ. P. 12(b)(6), (3) awarding plaintiff costs and attorney’s fees (including those available pursuant to 17 U.S.C. § 505), (4) awarding plaintiff statutory damages for copyright infringement under 17 U.S.C. § 504(c)(1) & (2), and (5) granting such other and further relief as this Court deems just and proper.

Dated: September 7, 2018
New York, N.Y.

Respectfully,
s/ Roy Den Hollander
Roy Den Hollander, Esq.
Plaintiff and Attorney
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